

No. 05-19-00607-CV

PETER BEASLEY,

Appellant,

v.

SOCIETY FOR INFORMATION
MANAGEMENT, ET. AL,

Appellees.

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IN THE 5th DISTRICT COURT

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS

COURT REPORTER
07/10/2019 4:34 PM

LISA MATZ
Clerk

DALLAS, TEXAS

**RESPONSE TO APPELLEES MOTION FOR EXTENSION OF TIME TO FILE
THEIR BRIEF**

TO THE HONORABLE JUSTICES OF SAID COURT:

1. Contrary to Appellee's assertion, the appeal is not moot.
2. Appellees were not candid with this court in their July 9, 2019, filing and failed to indicate that a Request for Findings of Fact and Conclusions of Law was filed in the trial court on June 12, 2019, Exhibit A, extending the trial court's jurisdiction to September 9, 2019. Tex. R. App. 26.1(a).
3. A simple request by this Court to the District Clerk will point-out Appellee's attempted deception.
4. Further, a Motion for New Trial was tendered for filing today, July 11, 2019, similarly extending the trial court's jurisdiction to September 9, 2019.
5. Additionally, as Defendants point-out, this is an interlocutory appeal, an accelerated appeal as a matter of law. Tex. R. App. 28.1(a). And as with any interlocutory appeal, the trial proceedings may continue, may become abated, or

the trial court's jurisdiction may be extended for many reasons. The appeal remains viable as an interlocutory appeal, the same as it was the day Appellees filed their request.

No Grounds Justifying an Extension

6. The grounds cited by Appellees to justify the extension are false, as they knew the trial proceedings were on-going potentially for at least another 3 months.

7. The request for an extension was filed a day *after* Appellees brief was due. They say the appeal was made moot, in their words, "Nearly two weeks prior to the filing of Appellant's brief ...". Appellant is *pro se* and Appellee is represented by three attorneys between 2 law firms, where there is no good cause why since June 11, 2019 Appellees did not 1) move to dismiss the appeal, or why 2) they did not file their brief on time.

8. Good cause to support an extension is generally established by showing that a failure involved was an accident or mistake, not intentional or the result of conscious indifference. See, *Wheeler v. Green*, 157 S.W.3d 439, 442 (Tex. 2005).

9. Appellees cite no mistake, accident or other good cause justifying the need for the extension. When during the required conference between the

parties Appellee's counsel was asked why the extension was needed, and he rudely remarked "**To unravel the mess you created.**" Exhibit B.

10. Appellant's brief is short, just 3,500 words of a 15,000 word limit, and it was prepared in a quick 14 days after the record was filed. Appellees had ample opportunity to file a timely brief.

11. Conscious indifference to the rules is not a reason for an extension.

12. Lastly, Appellant points-out that the Legislature has defined certain situations, such as this one, that should be handled on an expedited fashion. Appellant is every day being harmed by being listed erroneously publically on a website as a vexatious litigant, without an appellate review. Appellees requested 2 week extension is unjustified and is unreasonable in this situation. The trial court's error is readily apparent on the record, and easy to correct.

13. The requested extension should be denied and allow the appeal to be determined in an accelerated fashion and decided well before the trial court enters a final appealable judgment.

WHEREFORE, Beasley requests this Court Deny Appellee's request for a 2 week extension, and to submit the cause for a determination.

Plaintiff prays for general relief.

Respectfully submitted,
/s/Peter Beasley
Peter Beasley, pro se
P.O. Box 831359

Richardson, TX 75083-1359
(972) 365-1170
pbeasley@netwatchsolutions.com

DECLARATION OF VERIFICATION

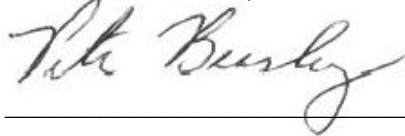
STATE OF TEXAS §

COUNTY OF DALLAS §

My first, middle, and last name is Peter Morell Beasley, my date of birth is September 20, 1958, and my address is 12915 Fall Manor, Dallas, Texas, 75243, United States. I declare under penalty of perjury that the foregoing statements are true and correct.

1. My name is Peter Beasley. I am over the age of twenty-one years, of sound mind, have never been convicted of any felony offense and I am fully competent and authorized to make this declaration. I have personal knowledge of the facts stated herein the Motion due to my personal involvement in the events and occurrences set forth.
2. I am the Appellant in the above entitled and numbered matter.
3. Exhibit A is a true copy of a document filed in the trial court.
4. Exhibit B is a true copy of the complete written conference between the parties.

Executed in Dallas, State of Texas, on the 11th day of July, 2019.



Declarant

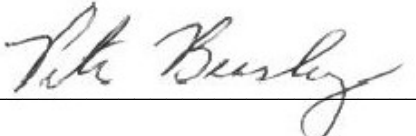
Certificate of Service

I hereby certify that on the 11th day of July 2019, a true copy of the foregoing instrument was served on opposing counsel for the defendants by electronic means and the electronic transmissions were reported as complete.

/s/Peter Beasley
Peter Beasley

Certificate of Service

I hereby certify that on June 12, 2019, a true copy of the foregoing instrument was served on counsel for defendant, through the e-filing service, and the electronic transmission was reported as complete.



Peter Beasley

Peter Beasley

From: Bob Bragalone <bbragalone@grsm.com>
Sent: Monday, July 8, 2019 4:30 PM
To: pbeasley@netwatchsolutions.com; Soña Garcia
Cc: pvogel@foley.com
Subject: Re: Beasley v. SIM-DFW Cause 05-19-00607 - CONFERENCE
Attachments: ~WRD285.jpg

To unravel the mess you created. It's called professional courtesy

Sent via the Samsung Galaxy S10+, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Peter Beasley <pbeasley@netwatchsolutions.com>
Date: 7/8/19 4:27 PM (GMT-06:00)
To: Soña Garcia <sjgarcia@grsm.com>
Cc: pvogel@foley.com, Bob Bragalone <bbragalone@grsm.com>
Subject: RE: Beasley v. SIM-DFW Cause 05-19-00607 - CONFERENCE

What is the reason the extended time is needed?

From: Soña Garcia [mailto:sjgarcia@grsm.com]
Sent: Monday, July 8, 2019 4:03 PM
To: 'pbeasley@netwatchsolutions.com'
Cc: pvogel@foley.com; Bob Bragalone
Subject: Beasley v. SIM-DFW Cause 05-19-00607 - CONFERENCE

Peter,

We are filing a request for extension of time to file Appellee's brief. We are requesting a two-week extension. Please advise if you agree to our request.

Soña

[Image removed by sender. Gordon & Rees, Scully Mansukhani - Your 50 State Partner]<<https://www.grsm.com/>>

Soña J. Garcia | Senior Counsel

2200 Ross Avenue, Suite 4100 West
Dallas, TX 75201
D: 214-231-4741 | sjgarcia@grsm.com<<mailto:sjgarcia@grsm.com>>

www.grsm.com<<https://www.grsm.com/>>
vCard<<https://www.grsm.com/Utilities/vCard.ashx?NodeGuid=2124aed0-0f76-44fa-9af3-2a31895e0177>>

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